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Report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories

Algeria, Bahrain, Brunei Darussalam, Comoros, Cuba, Djibouti, Egypt, Guinea, Indonesia, Iraq, Jordan, Kuwait, Malaysia, Mali, Morocco, Oman, Qatar, Saudi Arabia, Somalia, Sudan, Tunisia, United Arab Emirates, Yemen and Palestine: draft resolution

Israeli practices affecting the human rights of the Palestinian people in the Occupied Palestinian Territory, including East Jerusalem

The General Assembly,

Recalling its relevant resolutions, including resolution 58/292 of 6 May 2004, as well as those adopted at its tenth emergency special session, including resolution ES-10/15 of 20 July 2004,

Recalling also the relevant resolutions of the Commission on Human Rights,

Bearing in mind the relevant resolutions of the Security Council,

Having considered the report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories[1] and the report of the Secretary-General,[2]

Taking note of the report of the Human Rights Inquiry Commission established by the Commission on Human Rights[3] and the recent reports of the Special Rapporteur of the Commission on Human Rights on the situation of human rights in the Palestinian territories occupied by Israel since 1967,[4]

[1] A/59/381.
[2] A/59/345.
[3] E/CN.4/2001/121.
[4] E/CN.4/2004/6 and Add.1 and A/59/256.

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Taking into account the advisory opinion rendered on 9 July 2004 by the International Court of Justice,[5] and noting in particular the conclusion of the Court that the construction of the wall by Israel, the occupying Power, in the Occupied Palestinian Territory, including in and around East Jerusalem, constitutes breaches by Israel of a number of its obligations under the applicable international humanitarian laws and human rights instruments,

Bearing in mind the International Covenant on Civil and Political Rights,[6] the International Covenant on Economic, Social and Cultural Rights[6] and the Convention on the Rights of the Child[7] and the determination by the Court that these instruments are applicable in the Occupied Palestinian Territory and that the protection offered by human rights conventions does not cease in case of armed conflict,

Aware of the responsibility of the international community to promote human rights and ensure respect for international law, and recalling in this regard its resolution 2625 (XXV) of 24 October 1970,

Reaffirming the principle of the inadmissibility of the acquisition of territory by force,

Reaffirming also the applicability of the Geneva Convention relative to the Civilian Persons in Time of War, of 12 August 1949,[8] to the Occupied Palestinian Territory, including East Jerusalem, and other Arab territories occupied by Israel since 1967,

Reaffirming further the obligation of the States parties to the Fourth Geneva Convention[8] under articles 146, 147 and 148 with regard to penal sanctions, grave breaches and responsibilities of the High Contracting Parties,

Stressing the need for full compliance with the Israeli-Palestinian agreements reached within the context of the Middle East peace process and the implementation of the Quartet road map to a permanent two-State solution to the Israeli-Palestinian conflict,[9]

Concerned about the continuing systematic violation of the human rights of the Palestinian people by Israel, the occupying Power, including that arising from the excessive and indiscriminate use of force, the use of collective punishment, the reoccupation and closure of areas, the confiscation of land, the establishment and expansion of settlements, the construction of the wall inside the Occupied Palestinian Territory in departure from the Armistice Line of 1949, the destruction of property and all other actions by it designed to change the legal status, geographical nature and demographic composition of the Occupied Palestinian Territory, including East Jerusalem,

Gravely concerned by the military attacks that have occurred since 28 September 2000 and that have led to thousands of deaths among Palestinian civilians, including more than 750 children, and tens of thousands of injuries,

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[5] See A/ES-10/273 and Corr.1.

[6] Resolution 2200 A (XXI), annex.

[7] Resolution 44/25, annex.

[8] United Nations, *Treaty Series*, vol. 75, No. 973.

[9] S/2003/529, annex.

Gravely concerned also by the use of suicide bombing attacks against Israeli civilians resulting in extensive loss of life and injury,

Expressing deep concern about the extensive destruction caused by the Israeli occupying forces, including the destruction of homes and properties, of religious, cultural and historical sites, of vital infrastructure and institutions of the Palestinian Authority, and of agricultural land throughout Palestinian cities, towns, villages and refugee camps,

Expressing deep concern also about the Israeli policy of closure and the severe restrictions, including curfews, that continue to be imposed on the movement of persons and goods, including medical and humanitarian personnel and goods, throughout the Occupied Palestinian Territory, including East Jerusalem, and the consequent negative impact on the socio-economic situation of the Palestinian people, which remains that of a dire humanitarian crisis,

Expressing concern that thousands of Palestinians continue to be held in Israeli prisons or detention centres under harsh conditions that impair their well-being, and also expressing concern about the ill-treatment and harassment of any Palestinian prisoners and all reports of torture,

Convinced of the need for an international presence to monitor the situation, to contribute to ending the violence and protecting the Palestinian civilians and to help the parties to implement agreements reached, and, in this regard, recalls the positive contribution of the Temporary International Presence in Hebron,

Stressing the necessity for the full implementation of all relevant Security Council resolutions,

1. *Determines* that all measures and actions taken by Israel, the occupying Power, in the Occupied Palestinian Territory, including East Jerusalem, in violation of the relevant provisions of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949,[8] and contrary to the relevant resolutions of the Security Council, are illegal and have no validity;

2. *Demands* that Israel, the occupying Power, comply fully with the provisions of the Fourth Geneva Convention of 1949[8] and cease immediately all measures and actions taken in violation and in grave breach of the Convention, including the extrajudicial executions;

3. *Condemns* all acts of violence, including all acts of terror, provocation, incitement and destruction, especially the excessive and indiscriminate use of force by the Israeli occupying forces against Palestinian civilians, resulting in extensive loss of life, vast numbers of injuries and massive destruction of homes, properties, agricultural lands and vital infrastructure;

4. *Condemns also* all unlawful actions taken by Israel, the occupying Power, in the Occupied Palestinian Territory since September 2000, including, inter alia, in the Jenin refugee camp in April 2002, the Rafah refugee camp in May 2004 and the Jabaliya refugee camp in October 2004, which led to extensive loss of life, injury, widespread destruction and the displacement and dispossession of many Palestinian civilians;

5. *Demands* that Israel, the occupying Power, cease all practices and actions which violate the human rights of the Palestinian people and that it abide scrupulously by its obligations under human rights law;

6. *Demands also* that Israel, the occupying Power, comply with its legal obligations under international law, as mentioned in the advisory opinion rendered on 9 July 2004 by the International Court of Justice[5] and as demanded in resolution ES-10/15,[5] and that, accordingly, it cease the construction of the wall in the Occupied Palestinian Territory, including in and around East Jerusalem, dismantle forthwith the structure situated therein, repeal or render ineffective all legislative and regulatory acts relating thereto, and make reparation for all damage caused by the construction of the wall;

7. *Stresses* the need to preserve the territorial integrity of all the Occupied Palestinian Territory and to guarantee the freedom of movement of persons and goods within the Palestinian territory, including the removal of restrictions on movement into and from East Jerusalem, and the freedom of movement to and from the outside world;

8. *Requests* the Secretary-General to report to the General Assembly at its sixtieth session on the implementation of the present resolution.